

Kansas Department of Health and Environment
Bureau of Waste Management Policy 06-02

Monthly Quantity Determinations
for Hazardous Waste that is Treated or Reused On-site

Purpose

This policy allows regulatory flexibility in determining the amount of hazardous waste that is generated when wastes are treated on-site, including spent materials that are generated, recycled, and subsequently reused on-site.

Background

Every generator of hazardous waste must determine the amount of hazardous waste generated in each calendar month. This quantity is used to determine the generator's classification, and thus the regulatory requirements to which the generator is subject. Under Kansas' current regulation [K.A.R. 28-31-4(o)], hazardous waste that is produced by on-site treatment (including reclamation) may be excluded from the monthly generation quantity if the waste is counted each time before treatment; therefore only treatment residues are excluded.

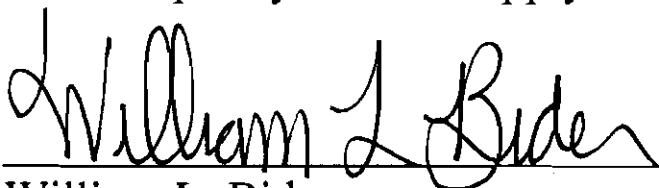
The Kansas regulation is stricter than the analogous federal regulation [40 CFR 261.5(d)]. The federal regulation excludes hazardous waste that is produced by on-site treatment (including reclamation) from the monthly generation quantity if the waste that is treated has already been counted once each calendar month. This also applies to spent materials that are generated, reclaimed, and subsequently reused on-site.

Because the Kansas regulation requires a generator to count the entire quantity of hazardous waste each time before it is recycled, the generator may be moved into a higher generator classification than if the federal regulation were followed. This does not encourage generators to reclaim and reuse spent materials on-site and unfairly increases regulatory requirements for generators who do reclaim and reuse spent materials on-site.

Action

The Bureau of Waste Management (BWM) proposes to change the state regulation to be the same as the federal regulation. Since it can take a year or more to promulgate a new regulation, BWM is implementing the following policy:

1. Any generator may determine the monthly quantity of hazardous waste generated by following the requirements of 40 CFR 261.5(d) as in effect on July 1, 2000.
2. If a generator's classification is reduced by following the federal regulation, the generator should submit a revised Notification of Regulated Waste Activity form to BWM to indicate the change. The generator will be regulated according to the reduced classification.
3. This policy does not apply retroactively. No fees already paid will be reimbursed.



William L. Bider

Director, Bureau of Waste Management

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Date